

## DECISION MEMORANDUM

**TO:** COMMISSIONER KEMPTON  
COMMISSIONER SMITH  
COMMISSIONER REDFORD  
COMMISSION SECRETARY  
LEGAL  
WORKING FILE

**FROM:** CAROLEE HALL

**DATE:** FEBRUARY 7, 2011

**RE:** APPLICATION OF QWEST CORPORATION (QWEST) WITH ADAMS  
TECHNOLOGY GROUP ("ADAMS") FOR AN INTERCONNECTION  
AGREEMENT BETWEEN THE COMPANIES; CASE NO. QWE-T-11-01.

### BACKGROUND

Under the provision of the federal Telecommunications Act of 1996, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission may reject an agreement adopted by negotiations only if it finds that the agreement: (1) discriminates against a telecommunications carrier not a party to the agreement; or (2) implementation of the agreement is not consistent with the public interest, convenience and necessity. 47 U.S.C. § 252(e)(2)(A). As the Commission noted in Order No. 28427, companies voluntarily entering into interconnection agreements "may negotiate terms, prices and conditions that do not comply with either the FCC rules or with the provision of Section 251 (b) or (c)." Order No. 28427 at 11 (emphasis in original). This comports with the FCC's statement that "a state commission shall have authority to approve an interconnection agreement adopted by negotiation even if the terms of the agreement do not comply with the requirements of [Part 51]." 47 C.F.R. § 51.3.

### CURRENT APPLICATION

On January 21, 2011, this Commission received an Application from Qwest requesting approval of its Interconnection Agreement with Adams Technology Group. See Case No. QWE-T-11-01. On January 24, 2011, the Commission received an Application for approval of

an amendment to the Interconnection Agreement received on January 21, 2011. The Amendment added Broadband for resale in a "Master Services Agreement".

#### **STAFF ANALYSIS**

Staff has reviewed the Application for the Interconnection Agreement between Qwest and Adams. Staff has also reviewed the Amendment to the Interconnection Agreement between the Companies. Staff is confident that the Interconnection Agreement and its Amendment meets the terms and conditions of this Commission and believes both agreements are consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and Sections 251 of the federal Telecommunications Act of 1996. Accordingly, Staff believes that the Interconnection Agreement and the Amendment both merit the Commission's approval.

#### **COMMISSION DECISION**

Does the Commission agree?

  
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Carolee Hall

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